

Claims 1-26 and 77 presently stand rejected as being anticipated under 35 U.S.C. § 102 and/or obvious under 35 U.S.C. § 103 over WO 94/20713, alone or in combination with other references. For reasons discussed below, it is respectfully submitted that the Examiner has erroneously interpreted the structure and operation of the closure disclosed in WO 94/20713.

The Examiner's attention is invited to U.S. Patent No. 5,558,239, which patent corresponds to WO 94/20713.

In rejecting claims 1-26 and 77, the Examiner states that "the wall portion 7 having an inside surface for forming a meniscus as is the area beneath 7 between 8 and 14 wherein the surface tension of a viscous fluid will cause the fluid to stick to the narrow gap between walls 8 and 14 and form a meniscus as claimed." It is this erroneous observation that forms the cornerstone for the rejection of the claims.

WO discloses a one-piece snap on plastic hinged closure. The closure is intended to snap onto the neck portion of a container. More specifically the neck portion of a container is received in the lower portion of the area between the pouring spout 8 and the outer wall 14. In so doing, the neck portion of the spout sealingly engages the inner surface of wall 14 and the outer surface of spout 8, and thereby prevents liquid from the container from entering the area between spout 8 and wall 14.

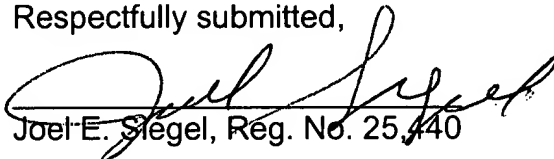
As alluded to above, the neck portion of the container is received within the area between walls 8 and 14. As such, viscous fluid from the container is prevented from entering and being received in the area between walls 8 and 14, to form a meniscus of the viscous fluid on an inside surface of wall 7.

The secondary references applied by the Examiner do ~~disclose or teach the claimed structural relationship that permits the formation of a meniscus of a viscous fluid thereon~~ as set forth in the claims, 1-26 and 77.

Accordingly, it is respectfully submitted, for the reasons set forth above, and other reasons that may be applicable to specific claims, that claims 1-26 and 77 are

patentable over WO 94/20713, alone, or in combination with the other cited references.
Therefore, withdrawal of the rejection of claims 1-26 and 77 is respectfully requested.

Respectfully submitted,


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